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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,009	12/30/2003	Jay R. Machael	087522-785-350	8393
28104	7590	05/31/2005	EXAMINER	
JONES DAY 77 WEST WACKER CHICAGO, IL 60601-1692			GARRETT, ERIKA P	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EA

**Office Action Summary**

Application No.

10/749,009

Applicant(s)

MACHAEL ET AL.

Examiner

Erika Garrett

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application:
- 4a) Of the above claim(s) 9, 11, 12 and 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/5/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 9, 11-12 and 14-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 2/14/05. Note: claims 9 and 11-12 are withdrawn because it claims limitations in another species for example "two indentations and boss".

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the operating means 70 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

Art Unit: 3636

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 1-8,10 and 13 are objected to because of the following informalities: the operating means is not shown in the drawings. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Potter (6,012,774). Potter discloses the use of a chair (10) comprising a seat frame (16), a central support member (14) that fixedly supports said seat frame, a seat assembly (18) tiltably mounted to said seat frame, a lock member (124) operatively connected to said seat assembly and in sliding engagement with said seat frame, a lock engagement member (120) operatively secured to said seat frame and in operative

Art Unit: 3636

relation to said lock member, and operating means (122) for operating said lock engagement member between an unlocked condition and a locked condition, whereby when said lock engagement member is in an unlocked condition, said seat assembly can move through its range of tilting motion while said lock member slides with respect to said seat frame, and when said lock engagement member is in the locked condition, it engages said lock member such that said lock member does not slide with respect to said seat frame, said seat assembly thereby being restrained from tilting. In regards to claim 5, wherein the operating means comprises an operating lever (102) pivotable between a lock position and an unlock position, and a means for connecting (126) said operating lever and said lock engagement member. In regards to claim 6, wherein said connecting means is a biasing means that biases said lock engagement member toward its unlocked position when said operating member is in its unlock position, and biases said lock engagement member toward its locked position when said operating lever is in the lock position.

Claims 1-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Roak (6,286,900). Roak discloses the use of a chair (10) comprising a seat frame (16), a central support member (19) that fixedly supports said seat frame, a seat assembly (11) tiltable mounted to said seat frame, a lock member (39) operatively connected to said seat assembly and in sliding engagement with said seat frame, a lock engagement member (85) operatively secured to said seat frame and in operative relation to said lock member, and operating means (140) for operating said lock engagement member between an unlocked condition and a locked condition, whereby when said lock

Art Unit: 3636

engagement member is in an unlocked condition, said seat assembly can move through its range of tilting motion while said lock member slides with respect to said seat frame, and when said lock engagement member is in the locked condition, it engages said lock member such that said lock member does not slide with respect to said seat frame, said seat assembly thereby being restrained from tilting. In regards to claim 2, wherein the lock member comprises an aperture (84) and the lock engagement member (85) is operated between the locked and unlocked condition by moving through said aperture. In regards to claim 3, wherein said aperture comprises a main channel and an associated channel, such that said lock engagement member is disposed through said main channel in the unlocked condition, and said lock engagement member engages said associated channel in the locked condition. In regards to claim 4, wherein the lock engagement member comprises a thinner portion (at the lower end of 85) and a thicker portion (upper end of 85) and said thicker portion engages said associated channel when in the locked condition, see figures 10-12. In regards to claim 5, wherein the operating means comprises an operating lever (47) pivotable between a lock position and an unlock position, and a means for connecting (104) said operating lever and said lock engagement member. In regards to claim 6, wherein said connecting means is a biasing means that biases said lock engagement member toward its unlocked position when said operating member is in its unlock position, and biases said lock engagement member toward its locked position when said operating lever is in the lock position. In regards to claim 7, wherein the biasing means (43) is a spring wire (91,94). In regards to claim 8, wherein said operating lever (47) is pivotably mounted to the seat frame. In

Art Unit: 3636

regards to claim 10, wherein the lock member comprises an upper portion and a lower portion in sliding engagement with one another.

### ***Allowable Subject Matter***

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to chair with tilt: U.S Pat. No. 6871909, 5340194, 5765914, 4383714, 6012744, 6588843, 6588845, 4892354, 5658045, 5333368, 5810439, 4494795, 6685267, 6015187.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG  
May 24, 2005

  
**Peter M. Cuomo**  
**Supervisory Patent Examiner**  
**Technology Center 3600**